

Section 3.9

Land Use and Planning

This section addresses the existing land use and planning conditions of the affected environment and evaluates the proposed project's consistency with applicable goals and policies. Analysis in this section draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018a).

ENVIRONMENTAL SETTING

The project site is located at the northwest corner of the Leucadia Boulevard/Quail Gardens Drive intersection, in the Leucadia community of Encinitas. The San Diego County Assessor's Parcel Number (APN) for the property is 254-612-12-00. The project site is one of 15 sites included in the City of Encinitas Housing Element Update (HEU). As part of these approvals, the project site was designated with an R-30 overlay (maximum 30 dwelling units per net acre) and allocated a minimum of 246 residential dwelling units.

The Encinitas Ranch Golf Course is located to the northeast/east of the project site. Leucadia Boulevard forms the southern boundary of the subject property. Existing single-family residential development lies west of the project site. The Magdalena Ecke Open Space Preserve borders the site along the entire northern property boundary. The site is within walking/biking distance to Capri Elementary School (0.6 miles), shopping centers on El Camino Real (0.75 miles), and Paul Ecke Sports Park and the YMCA (0.85 miles), and is 0.7 miles from the Leucadia Boulevard/Interstate 5 (I-5) interchange. Indian Head Canyon, a community resource for open space and trails, is located immediately north of the Magdalena Ecke Open Space Preserve.

One existing occupied single-family residential unit is located in the southwestern portion of the project site (at the intersection of Leucadia Boulevard and Sidonia Street) and is proposed to be demolished with project implementation. The remainder of the project site is occupied by private commercial greenhouse buildings, which are also proposed to be demolished with project implementation. Current uses on the project site largely consist of the cultivation of above-ground potted flowers and other plants for commercial sale, but also include uses ancillary to agricultural operations including general maintenance and use of agricultural equipment including tractors and application of herbicides.

REGULATORY FRAMEWORK

State

California Planning and Zoning Law

California Planning and Zoning Law, Government Code Sections 65000–66499.58 set forth the legal framework in which California cities and counties exercise local planning and land use functions. Under state planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements comprise the inclusion of seven mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures.

California Codes

The California Codes are 29 legal codes enacted by the State Legislature, which together form the general statutory law for the State. Unlike the United States Code or other state legal codes, the California Codes have never been consolidated into a single unified code. The official codes are maintained by the California Legislative Counsel for the Legislature.

Local

City of Encinitas General Plan

The *City of Encinitas General Plan* is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life within the City of Encinitas. The *City of Encinitas General Plan* states a goal of the City is to analyze proposed land uses to ensure the applied land use designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

Land Use Element

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| Policy 2.2: | Discourage development that sacrifices long-term goals in preference to short-term needs. |
| Policy 7.6: | Private development shall coordinate with street/public improvements, i.e. streetscape, landscape, site design and the like. |

GOAL 6: **Every effort shall be made to ensure that the existing desirable character of the communities is maintained.**

Policy 6.5: The design of future development shall consider the constraints and opportunities that are provided by adjacent existing development. (Coastal Act/30251)

City of Encinitas Housing Element 2019

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City.

The HEU includes the *2013 - 2021 Housing Element Update* and a series of discretionary actions to update and implement the City's Housing Element. The City is in the process of receiving certification from the State Department of Housing and Community Development (HCD) and Local Coastal Program (LCP) Amendment approval from the California Coastal Commission (CCC) for the HEU. As part of the approvals, the project site was designated with an R-30 overlay (maximum 30 dwelling units per net acre) and requires a minimum of 246 residential dwelling units. Relevant policies and goals related to land use and planning are provided below.

GOAL 3: **The City will encourage the maintenance and preservation of the existing housing stock as well as quality design in new housing.**

Policy 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not or cannot be achieved, abatement of substandard units shall be achieved.

Policy 3.2: Enforce the building, safety and housing codes through vigorous code enforcement efforts.

Encinitas Ranch Specific Plan

The Encinitas Ranch Specific Plan (Specific Plan) provides guidelines for mixed-use land development for an approximate 852-acre planning area within the City of Encinitas. The Specific Plan was developed in accordance with the provisions of the *City of Encinitas General Plan*.

The Specific Plan Area is located approximately one mile south of La Costa Avenue and one-half mile north of Encinitas Boulevard, between the San Diego Freeway (I-5) and El Camino Real. The project site is located within the Sidonia East Planning Area of the Encinitas Ranch Specific Plan and is zoned for Multi-Family Residential (ER-R-30) on a portion of the project site, as well as Agricultural (AG) in the northern portion of the project site (refer to [Figure 2.0-17, Encinitas Ranch Specific Plan](#)), which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the HEU. The Specific Plan states the proposed “agrihood” concept, with the development of between 246 and 296 residential units, is consistent with the goals of the Specific Plan for the proposed site.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the proposed project would have a significant adverse impact related to land use if it would:

1. Physically divide an established community
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect

PROJECT IMPACTS AND MITIGATION

PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY

Impact 3.9-1	The project would not physically divide an established community. Impacts would be less than significant.
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The project site is located within an urbanized area of the City of Encinitas on land that is highly disturbed and that supports an existing commercial greenhouse operation. The proposed project would construct a mixed-use “agrihood” community that would include agricultural operations in addition to residential, commercial, and community-serving uses, consistent with the Encinitas General Plan and Local Coastal Plan, Encinitas Ranch Specific Plan and the Housing Element Update. The project site is bounded on the west, south, and east by existing roadways, and by the Magdalena Ecke Open Space Preserve to the north. Existing land uses surrounding the project site include residential uses to the south and west, a golf course to the northeast/east, and open space to the north. Development of the project site as proposed would not directly divide an established community.

Construction of the proposed project would include widening Sidonia Street to the west, along which the project fronts, from 28 feet to 36 feet, as well as improvements on the west side of the existing Sidonia Street right-of-way for curb, gutter, landscape parkway, and a 5-foot wide sidewalk; however, such improvements would be constructed to the City's current street classification and would not divide the existing neighborhood.

It is noted a portion of Sidonia Street, beginning at approximately Sidonia Court and extending north, has already been improved to a full width of 40 feet. These improvements occurred when Sidonia Street was anticipated to connect north to Quail Hollow Drive and serve as another north-south connection like Saxony Road. Subsequently, plans to extend Sidonia Street north were eliminated. As a result, Sidonia Street will remain a cul-de-sac, and the proposed project would only widen Sidonia Street to 36 feet south of the currently improved portion (Sidonia Court).

The access point on Sidonia Street is proposed as gated emergency access only (no vehicular access for residents), consistent with community feedback received during the Notice of Preparation (NOP) scoping period and subsequent discussions between the project applicant and Fox Point neighborhood. A design option to retain full secondary access to Sidonia Street has been analyzed in this EIR (described throughout this EIR as the "Sidonia Secondary Access Option"). If used as a secondary access for the project site, this option would result in approximately 670 average daily vehicle trips accessing Sidonia Street; refer to [Appendix O-2](#). While this option would increase traffic on Sidonia Street, it would not result in any additional widening and would not divide an established community.

Retaining walls are proposed along the western boundary of the project site. The purpose and placement of the retaining walls have been designed in support of the proposed on-site water quality treatment basins (refer to [Section 3.8, Hydrology and Water Quality](#)). Portions of these walls would be below grade, mostly along Sidonia Street, south of the proposed emergency access point. A portion of the retaining walls would be above grade, north of the emergency access point. The retaining walls would range in height from approximately 4.5 feet to 6.5 feet.

Because the retaining walls are more than three feet in height, a fence is required at the top of the wall. As such, the project proposes a 5-foot high heavy gauge wire mesh fence on top of the retaining walls which would result in a fence/wall detail between 9 feet and 11 feet in height depending on location (refer to [Figure 2.0-12b, Wall and Fence Plan](#), for typical sections of both the above-grade and below-grade retaining walls and fence detail). Additionally, the inclusion of a retaining wall along Sidonia Street was specifically requested during the NOP comment period, as well as through correspondence to the City regarding safety, traffic, and parking (refer to [Appendix A-1](#)). A retaining wall along Sidonia Street would not divide the existing community because Sidonia Street acts as an eastern boundary of existing residential development within the community under current conditions. Rather, the proposed project would extend the existing

residential land use pattern further to the east. Lastly, an edible paseo is proposed along the western portion of the project site, which would provide for a pedestrian connection south to Leucadia Boulevard.

Similarly, off-site improvements associated with the proposed project would not result in indirect division of the community. While development of the proposed project would have environmental impacts as a result of increased intensity of development (as compared to the existing on-site commercial greenhouse operations), it would not divide an established community. Specifically, the proposed project does not include any new or extended infrastructure through existing residential areas that may divide an established community due to the project's location and proximity to major roadways and existing infrastructure systems serving the project site. All off-site improvements proposed are within or adjacent to existing rights-of-way as described in [Section 3.12, Transportation](#), and [Section 3.14, Utilities and Service Systems](#). These improvements include sewer, water and/or storm drain connections in Sidonia Street, Leucadia Boulevard, and Quail Gardens Drive, as well as widening Sidonia Street from 28 feet to 36 feet and improving the entry drive along Leucadia Drive.

Lastly, the proposed project's potential to result in indirect growth or induce additional growth that may divide an established community is addressed in [Section 6.3, Growth Inducing Impacts](#). As determined therein, the proposed project would not remove barriers to growth, generate extraordinary economic growth, generate an indirect inducement to significant growth, be a precedent setting action, or encroach into open space. Therefore, the proposed project would not result in indirect growth or induce additional growth that may divide an established community. Accordingly, the proposed project would not physically divide an established community. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH AN APPLICABLE PLAN

Impact 3.9-2	The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant.
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Under the 2019 HEU, the project site was designated with an R-30 overlay on approximately 14.2 acres and allocated between 246 and 296 residential units. Conforming edits were also made to the Encinitas Ranch Specific Plan to add an ER-R-30 zone and apply this new zoning to the project site (see [Figure 2.0-17](#)).

On October 8, 2019, the City received certification from the State Department of Housing and Community Development which confirmed the HEU was compliant with the State's requirements. As contained in its certification letter, HCD concluded:

All approvals necessary to implement appropriate zoning and development standards, including CCC approval of an LCP amendment, are required to find Encinitas' Housing Element compliant with state Housing Element law (Article 10.6 of the Government Code). The September 16, 2019 correspondence, and associated documentation satisfy the requirements described in HCD's reviews. As a result, the March 13, 2019 adopted Housing Element complies with state Housing Element law (Article 10.6 of the Government Code).

The proposed project is an "agrihood" community that would include 250 residential dwelling units (53 cottages/carriage units/townhomes and 197 apartments) and support an organic farm operation, including farm operation buildings, a farm stand, and a farm-to-table restaurant. The proposed 250 units are within the low-end of the range of units allocated to the project site (246 to 296 units) through the 2019 HEU and the ER-R-30 zone (per the Density Bonus Report, maximum possible units with 35% density bonus is 575 units). Therefore, the project is consistent with the unit count anticipated by the HEU.

Relative to the Development Standards and Policies, the proposed project would be consistent with these standards as determined by the City's review of the project's proposed components. As allowed under State Density Bonus Law, the proposed project is intending to utilize waivers to meet the proposed unit count while providing a variety of housing types, including for-sale homes, and keeping the majority of the buildings within two stories. The proposed project would adhere to Density Bonus Law by providing 40 "very low" income units (affordable to households earning no more than 50 percent of the area median income), which represent 16 percent of the overall unit count. While this allows the project to utilize the maximum density bonus (up to a 35 percent increase in unit count), the proposed project is not utilizing Density Bonus Law to increase density on the site.

Density Bonus Law allows projects to utilize up to three concessions and unlimited waivers. Two concessions are proposed.

1. Concession 1 – Project Setback from Leucadia Boulevard

The first concession requested for the project is a reduction in setback from Leucadia Boulevard along the project's southern boundary. Per the Encinitas Ranch Specific Plan, the required setback for structures is 45 feet from the edge of the City-owned right-of-

way. The project's structures will instead be constructed with a setback of 25 feet, or 20 feet less than the existing standard.¹

2. Concession 2 – Internal Lot 4 Setback Reductions

The second concession requested for the project is the accommodation of reduced setbacks for the Lot 4 “internal lot” located entirely within the apartment community of Lot 1. None of the reduced setbacks will be readily visible from outside the project boundary. The reduced setbacks are necessary to allow for the construction of a greater number of the 53 for-sale cottages/carriage units/townhomes as less-expensive two-story structures. The project proposes 40 two-story for-sale structures and three 3-story for-sale structures. Without the second concession, the project would require that those two-story for-sale structures be converted to 3-story structures.

- Waiver 1: Side yard setbacks of structures within Lot 4 from the boundary of Lot 1 will be reduced from 10-feet to 2-feet. Please note, the section of Lot 1 adjacent to Lot 4 consists of a 26-foot-wide access road, not structures, and therefore the requested setback reduction will not result in adjacency conflicts.
- Waiver 2: Rear yard setback requirements for structures on Lot 4 will be reduced from 10-feet to 7-feet.

These waivers to implement the second concession would not have an adverse impact upon health, safety, the physical environment, or any real property listed in the California Register of Historical Resources (refer to [Section 3.4, Cultural Resources](#)). The proposed waivers would also not violate State or federal laws.

Encinitas Ranch Specific Plan

The project site is located within the Sidonia East Planning Area of the Encinitas Ranch Specific Plan and is zoned for Multi-Family Residential (ER-R-30), which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the 2019 HEU. The Specific Plan states the proposed “agrihood” concept, with the development of between 246 and 296 residential units, is consistent with the goals of the Specific Plan for the subject site. The following amendment description was added to the Encinitas Ranch Specific Plan with the 2019 HEU relative to the project site:

¹ Other Housing Element sites typically require a setback of only 10 feet from adjacent rights-of way pursuant to the R-30-OL zone development guidelines.

1.7 Specific Plan Amendment (Case No. 17-128)

The 2019 Specific Plan Amendment incorporated revisions to the Specific Plan in the Sidonia East Planning Area. In 2019, as part of the City's Housing Element Update, an approximately 16-acre portion of the Sidonia East Planning Area was designated for 246 to 296 multifamily residential units (at a density of 25 to 30 du/ac) as part of an "agrihood" development. The site sits at the junction of a major 4-lane arterial and a local 2-lane road. The owner had expressed interest in developing 250 residential units in conjunction with a working agricultural practice. The Agricultural Zone provisions of this Specific Plan encourage the continued agricultural use of portions of the Specific Plan Area and the provision of a favorable setting in which to continue agricultural operations. The "agrihood" concept proposed allows for the continued viability of an agricultural business on the site.

Section 3.3.5.c.3 was added regarding the Sidonia East Planning Area, which states:

Approximately 21.5 acres north of Leucadia Boulevard within the Sidonia East Planning Area would be developed as an "agrihood." Of those 21.5 acres, 16 acres shall be zoned ER-R-30 (14.2 acres of usable land, and 1.8 acres within Leucadia Boulevard and Quail Gardens Drive), and the remaining 5.5 acres would remain zoned for agricultural uses. The Agricultural Zone provisions of this Specific Plan encourage the continued agricultural use of portions of the Specific Plan Area and the provision of a favorable setting in which to continue agricultural operations. The "agrihood" concept proposed allows for the continued viability of an agricultural business on the site. Primary vehicular access would be from Quail Gardens Drive, with secondary access as determined appropriate by the City. A fifty (50) foot building setback shall be created along the western boundary of the "agrihood" development to buffer it from existing single family homes to the west. The "agrihood" would consist of a residential development interwoven with amenities such as a community garden, farm field, edible paseos, a barn, and greenhouses. In this way, multi-family housing will be integrated into the agricultural character as part of the "agrihood" development through innovative planning and design.

Under the Encinitas Ranch Specific Plan, the project site is zoned ER-R-30 (30 units/acre) on approximately 14.2 acres and AG (agricultural) on approximately 5.5 acres (it is noted that the Sidonia East Planning Area map, [Figure 2.0-17](#), calls out 9-acres of Agriculture which includes the adjacent property, which is not part of the proposed project). The ER-R-30 designation allows multifamily residential uses up to 30 units/acre. In addition, the following uses are permitted pursuant to Section 6.6.2, Permitted Use:

- A. *Permitted Uses. All uses identified as —permitted by right in the R-30 OL zone, as defined in the Encinitas Municipal Code Zoning Matrix, shall be permitted uses within this Specific Plan zone ER-R-30. Additionally, the following uses shall be permitted uses within the ER-R-30 zone.*
- *Agricultural produce sales*
 - *Farmers Market*
 - *Outdoor dining uses*
 - *Outdoor event uses*
 - *Farm-to-Table Restaurant*
- B. *Permitted Accessory Use. Any use that is not specifically listed in Subsection A above, may be considered a permitted accessory use, provided that the Development Services Director finds that the proposed accessory use is substantially the same in character and intensity as those listed in the designated subsections. Accessory uses are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to the primary use(s).*

The Agricultural Zone provisions of the Specific Plan encourage the continued agricultural use of portions of the Specific Plan area and the provision of a “favorable setting” in which to continue agricultural operations. The “agrihood” concept proposed with the project would allow for the continued viability of an agricultural business on the site, along with agriculture-related uses and amenities. The proposed 250 residential units, as well as the supporting amenity uses (restaurant, farm stand, event space), are consistent with the ER-R-30 zoning and density anticipated by the Encinitas Ranch Specific Plan as amended during the HEU.

City of Encinitas General Plan and Certified Local Coastal Program

The *City of Encinitas General Plan* serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City’s future growth and long-term protection of its resources. The *City of Encinitas General Plan* is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring with ultimate buildout. The *City of Encinitas General Plan* also provides guidance to ensure that future development conforms to the City’s established plans, objectives, and/or policies, as appropriate. Specific to the project site, the *City of Encinitas General Plan* designates the site as SP-3, which refers to the Encinitas Ranch Specific Plan. As described above, the proposed project is consistent with the Encinitas Ranch Specific Plan. In Section 3.1 to Section 3.14 of this EIR, relevant *City of*

Encinitas General Plan policies and goals are listed in the regulatory sections pertaining to each environmental topic being analyzed.

More than half of Encinitas lies within the boundaries of the California Coastal Zone (approximately 7,875 acres of a total 13,266 acres in the City). The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare an LCP for those areas of the Coastal Zone within its jurisdiction. The State's goals for the Coastal Zone include the following:

- Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources.
- Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the state.
- Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

The *City of Encinitas General Plan* includes issues and policies related to California Coastal Act requirements; therefore, the *City of Encinitas General Plan* serves as an LCP Land Use Plan for the City. The LCP incorporates land use plans for future development in the Coastal Zone, provisions of the City's Zoning Regulations, zone overlays for sensitive resources, and other implementing measures to ensure the protection of coastal resources. For those lands located within the Coastal Zone, any conflicts that occur between the Land Use Plan and any policy or provision of the General Plan that is not a part of the LCP, the Land Use Plan takes precedence. Any such conflicts shall result in identifying a resolution that achieves the highest degree of protection for resources in the Coastal Zone.

The City is responsible for the issuance of Coastal Development Permits within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands.

Relative to the City's Local Coastal Program, subsequent to the City's approval of the HEU, the City processed a Local Coastal Program (LCP) Amendment to update the City's LCP to include the

15 HEU sites. On September 11, 2019, the HEU was approved by the California Coastal Commission. Specific to the project site (on page 24 of the staff report), the Coastal Commission found that:

... the Encinitas LUP has particular policies in place to protect agricultural uses. The Encinitas Ranch Specific Plan was created to carry out the LCP for the Ecke Ranch property and surrounding area and has particular policies in place that designate certain areas where affordable housing will potentially be sited. The LUP updates include modifications to several policies in order to account for the ER-R-30 Overlay Zone. Policy 24.3 will be modified to include the Sidonia East area, where the Echter Property is located. Policy 24.3 will also be modified so that the Sidonia East area is included as one of the neighborhoods that will consider the use of progressive density and increased building heights. Finally, Policy 29.3 is proposed to be amended. It currently states that new residential development will be located and clustered to avoid inhibiting continued agricultural use of the land and should be sited adjacent to existing development. This LUP amendment will add language that in those instances where continued agricultural use is no longer feasible, sensitive residential development that allows for the continued viability of an agricultural business on the site shall be encouraged.

Indeed, while the R-30 Overlay zone [would] allow for the conversion of land currently in agriculture, land use conflicts [would] be minimized in accordance with Section 30242 of the Coastal Act. Through development of an agrihood, the site will be allowed to stay in agricultural use in conjunction with development that allows for affordable housing. In this way, conversion would be limited while also allowing for the City to meet its RHNA allotment. While not reflected in the land use designation, the agrihood concept would transform the agricultural portion of the site to a more traditional open field agricultural use and aesthetic, as opposed to the many greenhouses currently on-site.

Moreover, the partial conversion of the [project site] is compatible with surrounding land uses, as it marks a transitional boundary between more highly developed (i.e. residential) uses to the west and south, and less intensive uses to the north and east. The North Mesa Planning Area to the east of the Echter site and on the east side of Quail Gardens Drive is designated for golf course uses. Also, south of the Echter site and on the south side of Leucadia Boulevard, properties are designated for residential uses (at a density of 5 dwelling units per acre). To the north of the site is the Magdalena Ecke Park area, with a mix of agricultural, residential, and open space land uses north of the park area. In this way, the conversion of lands concentrates development by completing a logical and viable neighborhood and contributing to the establishment of a stable limit to urban

development. Because of this mix of land uses, the subject site can be found to be consistent with Section 30242 of the Coastal Act in concentrating development.

Relative to the revisions to policies in the Encinitas Ranch Specific Plan, the CCC found the following:

The new ER-R-30 zone will allow for thirty multi-family dwelling units per net acre on the Echter property within the Sidonia East area of Encinitas Ranch. Zoning categories will be modified in order to add the ER-R-30 Overlay, including that agricultural uses will be permitted in a non-agricultural zone within the overlay, as well as where the Park and Recreation Overlay may overlap. Permitted uses will be expanded within the ER-R-30 zone to allow for agricultural produce sales, farmers market, outdoor dining uses, outdoor event uses, and farm-to-table restaurants.

Policy 29.3 of the Specific Plan will be revised so as to allow for some residential development to occur in conjunction with the continuation of an on-site agricultural business, to which the ER-R-30 Overlay responds. Furthermore, the re-zoning of the Echter property adheres to Policy 29.3 through the clustering of new residential development adjacent to existing development, as described in the Coastal Act conformance section above. Additionally, Section 6.1 and Table 6-2 of the Encinitas Ranch Specific Plan Zoning Ordinance states that in all zones except open space, agricultural uses shall be permitted subject to the development and design guidelines of the Agricultural Zone. Therefore, agricultural uses on the up-zoned Echter property will continue, and the wider application of agricultural uses within the Specific Plan will remain unchanged.

A fifty-foot building setback shall be created along the western boundary of the “agrihood” development to buffer it from existing single-family homes to the west. Development standards for the ER-R-30 Zone will be consistent with those of the R-30 Overlay Zone, including height. Section 7.0 of the Specific Plan, which includes design guidelines for the community, will remain in effect and provide standards for building massing, building colors and materials, and landscaping. The Commission therefore finds the proposed implementing provisions of the Specific Plan consistent with, and adequate to carry out, the policies of the certified LUP.

For these reasons, land use conflicts within the R-30 Overlay zone, in which the proposed project is located, would be minimized in accordance with Section 30242 of the Coastal Act and as such, the CCC found the City’s HEU is consistent with the relevant policies of the CCC. Because the proposed project is consistent with the 2019 HEU, the proposed project would not conflict with any land use plan, policy, or regulation adopted by the CCC.

City of Encinitas Municipal Code

Title 30, Zoning, of the Encinitas Municipal Code was adopted to promote and protect the public health, safety, and welfare through the orderly regulation of land uses in the City. Title 30 is intended to “regulate the use of real property and the buildings, structures, and improvements located thereon so as to protect, promote, and enhance the public safety, health and welfare” (Ord. 86-19). Further, the Zoning Regulations are “adopted pursuant to, and to implement provisions of, the City of Encinitas General Plan and certified Local Coastal Program Land Use Plan. The regulatory provisions ... shall implement the provisions of the General Plan to carry out the objectives contained therein” (Ord. 94-06).

The City of Encinitas Zoning Map identifies the zoning for the project site as SP-3, which defers to the Encinitas Ranch Specific Plan. See above for additional information on the Encinitas Ranch Specific Plan. As described therein, the proposed project is consistent with the provisions of the Encinitas Ranch Specific Plan.

City of Encinitas Climate Action Plan

Climate action plans (CAPs) serve as comprehensive road maps that outline the specific activities a community or municipality will take to reduce greenhouse gas (GHG) emissions and the potential impacts of climate change within the borders of a particular jurisdiction. In developing a CAP, jurisdictions evaluate the volume of GHGs emitted during a baseline year and determine the amount of emissions that need to be reduced to achieve statewide GHG reduction targets.

The City of Encinitas CAP, updated in January 2018, builds upon the goals identified in the 2011 CAP. The updated CAP commits to implementing specific programs and projects aimed at reducing and mitigating the impacts of GHG-emitting activities by targeted dates. The CAP organizes strategies, goals, and actions tied to various emissions sources (e.g., transportation, electricity, natural gas, solid waste, water, off-road transportation, and wastewater).

Of particular relevance to the proposed project, the CAP requires all new housing be constructed with rooftop solar panels, low-flow fixtures, and solar water heaters. At the time of preparation of this EIR, the City has not adopted implementing ordinances for these requirements. Refer to Section 3.5, Energy Conservation and Climate Change, for a summary of proposed project measures consistent with the City’s CAP. As determined therein, the proposed project would not impede implementation of the City’s CAP.

2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS)

The 2050 RTP plans for a regional transportation system that enhances the quality of life, promotes sustainability, and offers varied mobility options for both goods and people. The plan

addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system by 2050. The project site is located within the Urban Area Transit Strategy Boundary in the San Diego Association of Governments' (SANDAG's) Smart Growth Concept Map. Refer to [Section 3.5, Energy Conservation and Climate Change](#), for a summary of project consistency with the Regional Plan, referred to as *San Diego Forward: The Regional Plan*. As determined therein, the proposed project would not impede implementation of the RTP/SCS.

Conclusion

The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, including but not limited to the *City of Encinitas General Plan*, Encinitas Ranch Specific Plan, Local Coastal Program, Zoning Ordinance, Climate Action Plan, or SANDAG's Regional Plan, adopted for the purpose of avoiding or mitigating an environmental impact. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.9-3	The project would not result in cumulative land use impacts. Impacts would be less than cumulatively considerable.
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Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution to a potential cumulative impact relative to land use and planning are identified in [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0, Environmental Analysis](#), of this EIR. The inclusion of all projects in [Table 3.0-1](#) was based on the location of these projects in the general vicinity of the project site and the possibility that these projects, in combination with the proposed project, may conflict with applicable land use plans and policies.

Additionally, to be conservative, the cumulative impact analysis includes 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see [Table 3.0-2](#)).

Potential Cumulative Impacts

Land use plans are inherently cumulative in nature due to their long-term programmatic scope; therefore, if a project complies with policies identified in a plan, then the project is not considered to contribute to a cumulative effect. As discussed above, the project site is one of 15

sites included in the HEU. As part of the HEU process, potential project-specific impacts were analyzed, as well as potential cumulative impacts from implementation of all the projects combined. The following plans were evaluated as part of the cumulative analysis.

City of Encinitas General Plan and Local Coastal Program

The *City of Encinitas General Plan* serves as the primary land use planning document for the City. As such, other land use related plans and ordinances are required to be consistent with the *City of Encinitas General Plan*. The *City of Encinitas General Plan* provides guidance to ensure future development conforms to the City's established plans, objectives, and/or policies, as appropriate.

The *City of Encinitas General Plan* includes issues and policies related to California Coastal Act requirements; therefore, the *City of Encinitas General Plan* serves as an LCP Land Use Plan for the City. As described under Impact 3.9-2, more than half of the City of Encinitas lies within the boundaries of the California Coastal Zone. Therefore, the majority of the cumulative projects are also located in the Coastal Zone and would be subject to the goals and policies of the LCP as required by the California Coastal Act.

As with the proposed project, each cumulative project within the California Coastal Zone would be evaluated by the City to determine compliance with the LCP to receive a coastal development permit. The proposed project has been designed in conformance with the goals and policies of the *City of Encinitas General Plan* and LCP and would obtain a coastal development permit as part of the discretionary process. Therefore, with compliance goals and policies of the *City of Encinitas General Plan* and LCP, the proposed project is not anticipated to contribute to a significant cumulative impact in this regard when considered with the other cumulative projects.

Encinitas Ranch Specific Plan

The project site is located within the Sidonia East Planning Area of the Encinitas Ranch Specific Plan and is zoned for Multi-Family Residential (ER-R-30), which is consistent with the *City of Encinitas General Plan*, Zoning Map, Local Coastal Program, and the provisions of the 2019 HEU.

None of the cumulative projects are within the boundaries of the Encinitas Ranch Specific Plan. As the proposed project would be in conformance with the Encinitas Ranch Specific Plan, it is not anticipated the project would contribute to a significant cumulative impact in this regard.

Other cumulative projects may be located within another specific plan in the City such as the Downtown Encinitas Specific Plan, North 101 Corridor Specific Plan, or Cardiff Specific Plan. As applicable, cumulative projects would be evaluated for consistency with relevant specific plans with consideration for such issues as housing types, building heights, and consistency with

community character. Therefore, it is not anticipated that implementation of the cumulative projects would conflict with the goals and policies of a relevant specific plan.

City of Encinitas Municipal Code

Zoning regulations are intended to “regulate the use of real property and the buildings, structures, and improvements located thereon so as to protect, promote, and enhance the public safety, health and welfare” (Ord. 86-19). It is the responsibility of the City to review each individual project to confirm compliance with the City’s Municipal Code as part of the discretionary approval process. Conformance to the Municipal Code is administered on a project-specific basis. Therefore, with compliance with the Municipal Code, implementation of the cumulative projects would result in less than significant impacts. Because the proposed project is consistent with the current zoning that applies to the property and a rezone is not required or proposed, the project is not anticipated to contribute to a significant cumulative impact in this regard.

City of Encinitas Climate Action Plan

Refer also to Section 3.5, Energy Conservation and Climate Change. Climate action plans outline specific activities that a community or municipality will take to reduce GHG emissions and the potential impacts of climate change within the borders of a particular jurisdiction. The City’s CAP contains specific programs and projects aimed at reducing and mitigating the impacts of GHG-emitting activities, such as requiring rooftop solar panels, low-flow fixtures, and solar water heaters on new residential developments.

As climate change is a global issue, not one project or collection of cumulative projects has the potential to significantly affect GHG emissions. However, it has been determined project compliance with the CAP equates to compliance with local and state climate change efforts. Therefore, with conformance to the CAP (subject to City discretionary review), implementation of the cumulative projects would result in less than significant cumulative impacts. The proposed project would be consistent with the CAP (see Section 3.5, Energy Conservation and Climate Change); therefore, the project is not anticipated to contribute to a significant cumulative impact in this regard.

Conclusion

If incompatibilities or land use conflicts are identified for any of the cumulative projects, it is reasonable to assume the City would either deny the project or require conditions or mitigation to avoid or minimize this type of land use impact. Therefore, development of the proposed project would not contribute to a significant cumulative land use and planning impact. Impacts would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.